

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, *et al.*, *ex*
rel. URI BASSAN,

Plaintiffs,

v.

OMNICARE, INC.,

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMNICARE, INC. and CVS HEALTH CORP.,

Defendants.

USDC SDNY

DOCUMENT

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Case No. 15-CV-4179-CM-VF

**DEFENDANTS' MOTION TO COMPEL THE
GOVERNMENT TO REVISE ITS PRETRIAL DISCLOSURES**

Omnicare, Inc. and CVS Health Corporation move the Court for an order compelling the government to revise its pretrial disclosures by identifying 300 or fewer exhibits and designating no more than ten cumulative hours of deposition testimony, by 5:00 pm tomorrow (February 21, 2025). The grounds for Defendants' motion are set forth in the accompanying memorandum.

MEMO ENDORSED

I told the parties that they were to identify approximately 200 "key exhibits" that would be shown to the jury during the trial. I expect each party to identify approximately 200 such exhibits. If the Government needs more than 200 exhibits to establish the amount of a remedy (if, for example, an expert relies on more than 200 documents to establish the amount that was allegedly falsely claimed), we can discuss how to handle that at the final pretrial conference. But neither side should need more than 200 exhibits to establish or rebut liability. Be selective. Do not be duplicative. I have been doing this for 27 years and I have yet to have any lawyer in any case, no matter how complex, refer to more than 200 separate documents in a closing argument. So I know you can do this.

Colleen M. Kelly
2/25/25

Dated: February 20, 2025

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

/s/ Enu Mainigi

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